

AO 243 (Rev. 2/95)

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY.

United States District Court		District	4:19-cr-298
Name of Movant Immanuel Lavell Wallace		Prisoner No. 89332479	Case No. H19-0579M
Place of Confinement JOE Corley Detention Facility		4:20-cv-00480	
UNITED STATES OF AMERICA		v. Immanuel Lavell Wallace (name under which convicted)	

MOTION

1. Name and location of court which entered the judgment of conviction under attack

Sim Lake
515 Rusk Avenue Rm 9535
Houston, TX. 77002

United States Courts
Southern District of Texas
FILED
FEB 06 2020

David J. Bradley, Clerk of Court
2. Date of judgment of conviction
01/23/2020
3. Length of sentence
15 years
4. Nature of offense involved (all counts)
18 USC 2113(a) and 2 - Aiding and Abetting Bank Robbery
18 USC 924(c)(1)(A)(ii) and 2 - Aiding and Abetting USE,
CARRY OR Brandishing of a firearm in Relation to
a crime of violence.
5. What was your plea? (Check one)

(a) Not guilty ☐

(b) Guilty ☒

(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐

(b) Judge only ☐
7. Did you testify at the trial?
Yes ☐ No ☐
8. Did you appeal from the judgment of conviction?
Yes ☐ No ☐

AO 243 (Rev. 2/95)

9. If you did appeal, answer the following:

(a) Name of court

(b) Result

(c) Date of result

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court United States District Court for the Southern District of Texas Houston Division

(2) Nature of proceeding

Motion to Dismiss Counsel, and motion to Appoint New Counsel

(3) Grounds raised Counsel didn't have my best Interest at hand. Fail to Ensure that I was given the best Legal advise, and see that my choices, knowledge of my case best Results. Counsel made clear to me that there was no defense in my favor, and it was best to Please the court with a Plea of guilty. Asked to Take my Guilty Plea Back, and my Counsel fail to file motion to start the process.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result

(6) Date of result

(b) As to any second petition, application or motion give the same information:

(1) Name of court

(2) Name of proceeding

(3) Grounds raised

AO 243 (Rev. 2/95)

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.

Supporting FACTS (state briefly without citing cases or law): Counsel advised me to Enter a Plea of guilty, and not to consider a Trial. It would be best to PREVENT from being Punished for taking my case to trial. Out of fear of being Punished during Trial. I later Entered a Plea of guilty.

B. Ground two: Denial of Effective assistance of counsel.

Supporting FACTS (state briefly without citing cases or law): I've had with my Counsel and Asked if he would file motions on the Evidence against me. Only to see what Evidence that could clear me from being the Person who Robbed the Bank. My only Answer back was "they have you from the shirt you had on". The only help offered to me was to fill out a JK-1 letter. My Counsel had no Interest in setting the Facts of my case to defend me. Except don't make the Judge mad by objecting to things I felt could help me.

C. Ground three:

Denial of Effective assistance of counsel

Supporting FACTS (state briefly without citing cases or law): After Being given a new Counsel. I did Present my thoughts on the case, and Explain to the new lawyer my Problems with the last Counsel. ONLY to still be lead down the wrong Path. Still NO chance to have a defense to help Drop the 924(a) charge, or Remove my Plea of Guilty. My defense still was to Please the Courts, and not to object to anything on the case.

AO 243 (Rev. 2/95)

D. Ground four:

Supporting FACTS (state *briefly* without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:
14. Do you have any petition or appeal now pending in any court as to the judgment under attack?
Yes ☐ No ☒
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
- (a) At preliminary hearing T. B. Todd Dupont II
915 Franklin st. Unit 7M
Houston, Tx. 77002
- (b) At arraignment and plea T. B. Todd Dupont II
915 Franklin st. Unit 7M
Houston, Tx. 77002
- (c) At trial
- (d) At sentencing Larry D. Eastep
5300 Memorial Dr. Suite 100
Houston, Tx. 77007

AO 243 (Rev. 2/95)

(e) On appeal

(f) In any post-conviction proceeding

(g) On appeal from any adverse ruling in a post-conviction proceeding

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

(b) Give date and length of the above sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

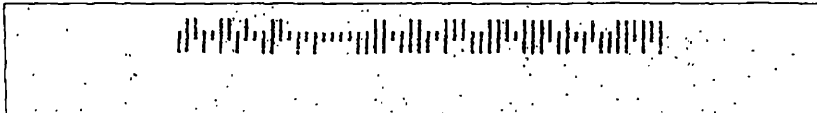
I declare under penalty of perjury that the foregoing is true and correct. Executed on

01/02/2020
Date

J. L. Wallace
Signature of Movant

Immanuel Wallace # 89332<
JOE CORLEY Detention Facility
500 Hilbig Rd.
CONROE, TX. 77301

RECEIVED
FEB 06 2020
DORIS T. CORLEY



THIS LEGAL MAIL HAS
NOT BEEN INSPECTED

Lavi
Cleel
P.O.
House